

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
MARCH 19, 2002
7:00 P.M.**

ROLLCALL Answering rollcall were Members Housh, Hovland, Masica and Mayor Maetzold. Member Kelly was absent.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Hovland and seconded by Member Housh approving the Council Consent Agenda as presented with the exception of Agenda Item IV.B., Set Hearing Date of April 16, 2002, for Revenue Notes Issued by City of Blaine for the Fraser Project; and Agenda Item IV.G., Change Order #1, Soil Correction Work for Public Training Center.

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

RESOLUTION NO. 2002-31 - COMMENDING THE EDINA HIGH SCHOOL 2002 GIRLS' ALPINE SKI TEAM Mayor Maetzold commended the girls and coaches of the 2002 Edina High School Girls' Alpine Ski Team for their victorious season and presented each team member with a Resolution of Commendation.

Member Housh introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2002-31
RESOLUTION OF COMMENDATION
EDINA HIGH SCHOOL
2002 GIRLS' ALPINE SKI TEAM**

WHEREAS, the members of the Edina High School 2002 Girls' Alpine Ski Team were Champions of the Classic Lake Conference, Section Champions and State Champions; and

WHEREAS, success has come to the members of the Team because of their extraordinary ability, hours of practice and the leadership of their coaches; and

WHEREAS, as representatives of the City of Edina, the members of the Team exemplified the highest standards of athletic proficiency and good sportsmanship.

NOW, THEREFORE, BE IT RESOLVED by the Edina City Council that congratulations be extended to the members of the Team:

Sara Bunke

Hilary Lund

Dave Nelson, Coach

Elinor Bradbury

Molly McCary

Sue Nelson, Coach

Stephanie Daudt

Greta Zwickey

Laura Getsch

BE IT FURTHER RESOLVED that this resolution be recorded in the Minutes of the Edina City Council and that copies be given to members of the Team.

ADOPTED this 19th day of March, 2002. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

RESOLUTION NO. 2002-32 – COMMENDING THE EDINA HIGH SCHOOL 2002 BOYS’ ALPINE SKI TEAM Mayor Maetzold commended the boys and coaches of the 2002 Edina High School Boys’ Alpine Ski Team for their victorious season and presented each of them with a Resolution of Commendation.

Member Masica introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2002-32
RESOLUTION OF COMMENDATION
EDINA HIGH SCHOOL
2002 BOYS’ ALPINE SKI TEAM**

WHEREAS, the members of the Edina High School 2002 Boys’ Alpine Ski Team were Section Champions and State Champions; and

WHEREAS, success has come to the members of the Team because of their extraordinary ability, hours of practice and the leadership of their coaches; and

WHEREAS, as representatives of the City of Edina, the members of the Team exemplified the highest standards of athletic proficiency and good sportsmanship.

NOW, THEREFORE, BE IT RESOLVED by the Edina City Council that congratulations be extended to the members of the Team:

Zach Freeman

Alex Stark

Dave Nelson, Coach

Charles Gruys

Andrew Sundet

Sue Nelson, Coach

Connor Lund

Bennett White

Michael Shideman

BE IT FURTHER RESOLVED that this resolution be recorded in the Minutes of the Edina City Council and that copies be given to members of the Team.

ADOPTED this 19th day of March, 2002. Member Housh seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

***MINUTES OF THE REGULAR MEETING OF MARCH 4, 2002, AND SPECIAL MEETING OF MARCH 4, 2002, APPROVED** Motion made by Member Hovland and seconded by Member Housh approving the Minutes of the Regular Meeting of the Edina City Council for March 4, 2002, and Special Meeting of March 4, 2002.

Motion carried on rollcall vote – four ayes.

RESOLUTION 2002-25 ADOPTED APPROVING THE 2002 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) Affidavits of Notice were presented, approved and ordered placed on file.

Staff Presentation

Planner Larsen said that Edina’s 2002 CDBG entitlement of \$175,942 reflected a 3.46% decrease from the 2001 entitlement of \$182,331. HUD regulations require that the public service portion of the budget may not exceed 15% of the total budget. Mr. Larsen explained that Edina’s 2002 budget for public services may not exceed \$26,391, with the remaining \$145,551 to be directed toward community development.

Mr. Larsen reported the 2002 requests for public service funding came from three agencies Edina has supported in the past: Senior Community Services, H.O.M.E. Program, providing Housing and Outdoor Maintenance for the Elderly; Greater Minneapolis's Daycare Association, G.M.D.C.A. providing daycare subsidy, and; Community Action for Suburban Hennepin, CASH, providing housing programs for low and moderate income homebuyers, homeowners and tenants. In addition, a new request was received from HOME Line. HOME Line provides tenant advocacy service for Edina renters. HOME Line has been in existence since 1992 and until 1999 was operated as a project of CASH. In 1999 HOME Line spun-off from CASH, however, continued to receive funding from them until June 2001 when the CASH support ended.

Mr. Larsen stated the requests from the four agencies exceed the maximum \$47,850 allowed by \$21,459. He added the Edina Human Relations Commission has reviewed the requests for funding and made the following recommendations:

	2001 <u>Budget</u>	2002 <u>Request</u>	2002 <u>Proposed</u>
G.M.D.C.A.	\$15,000	\$25,000	\$15,041
H.O.M.E.	\$10,350	\$10,350	\$ 9,350
C.A.S.H.	\$ 2,000	\$ 2,500	\$ 1,000
HOME Line	<u>-0-</u>	<u>\$10,000</u>	<u>\$ 1,000</u>
	\$27,350	\$47,850	\$26,391

Planner Larsen said that after the \$26,391 distribution for public services, \$149,551 would remain for distribution toward community development projects.

Mr. Larsen explained that since the beginning of the CDBG program in the mid-1970's, Edina has directed funds toward Rehabilitation of Private Property, making improvements to over 200 homes. He said staff recommended directing \$69,551 toward this project anticipating four or more eligible homeowners will make improvements to their homes. Mr. Larsen reported staff also recommended \$80,000 be directed toward Affordable Housing Assistance in keeping with the City's commitment to the Minnesota Livable Communities Act. Mr. Larsen noted that last year, the Metropolitan Council utilized \$163,554 of previous year's Affordable Housing funds to assist in the acquisition of three homes as part of their Family Affordable Housing initiative. The \$80,000 would be directed toward projects that will support housing opportunities for persons of low or moderate incomes.

Council comment

Member Housh inquired whether dollars could be accrued or must they be spent. Planner Larsen said if funds were not spent in eighteen months, they would revert back to Hennepin County for reallocation.

Member Masica asked for a definition of public service. Mr. Larsen answered public service was something not involving brick and mortar. Ms. Masica inquired how the grant program was marketed. Mr. Larsen responded it has been marketed in a number of ways, 1) *About Town*, 2) direct mailings in a targeted portion of the City, and 3) through other agencies via

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referral. Ms. Masica asked how the \$80,000 ear-marked for affordable housing would be directed. Mr. Larsen replied that Oak Glen would be eligible for this funding.

Member Hovland asked if funding for the GMDCA was the full budget for Edina. Mr. Larsen said that was correct. Mr. Hovland inquired how the program works with the rehabilitation funds. Mr. Larsen noted that up to \$20,000 can be used for a home. Participants in the program must be income eligible, and a re-payment agreement must be signed for 15 years at 0% interest if the participant falls into the 50% below median income or 3% if participant falls above. If the home was sold and funds re-paid, the funds go back into the loan program. The loan would be forgiven if the fifteen year mark were reached. Mr. Larsen said in 2001, funds were expended for six homes averaging \$12,000 for each home. Mr. Hovland asked if any funds have been repaid. Mr. Larsen explained that the repayments have helped stretch the fund.

Mr. Housh inquired about the life of the Metropolitan Council Program. Mr. Larsen said he believed three homes have been acquired of the five proposed.

Mayor Maetzold asked for more information about how CASH was doing without Homeline. Mr. Larsen said the City's relationship with CASH has not changed.

Mr. Hovland asked what the status was of the three homes acquired by the Metropolitan Council. Mr. Larsen stated he did not know the status of the homes. Mr. Hovland said he would like to know if the program was working.

Provider comments

Julie Dansel, GMDCA, explained there was a need in Edina for daycare funding based on census data.

Charlie Warner, HOME Line, informed the Council there was an active state-wide tenant hotline as well as work in preserving and maintaining the Oak Glen project.

Ron Bloch, Program Administer for Senior Community Services, which operates the HOME program, commented that 144 residents were served by their organization in 2001 with the help of the East Edina Housing Foundation attempting to keep people living independently for a longer time.

Motion made by Member Masica to close the public hearing. Member Housh seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold
Motion carried.

Manager Hughes disclosed his involvement as volunteer treasurer for the Board of Directors for Senior Community Services but added he has not participated in the budget process.

Member Hovland introduced the following resolution and moved its adoption:

RESOLUTION NO. 2002-25
RESOLUTION APPROVING PROPOSED USE OF 2002 URBAN COUNTY
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS
AND
AUTHORIZING EXECUTION OF SUBRECIPIENT AGREEMENT WITH HENNPIN
COUNTY AND ANY THIRD PARTY AGREEMENTS

WHEREAS, the City of Edina, through execution of a Joint Cooperation Agreement with Hennepin County, is cooperating in the Urban Hennepin County Community Development Block Grant Program; and

WHEREAS, the City of Edina has developed a proposal for the use of 2002 Urban Hennepin County Community Development Block Grant funds made available to it; and

WHEREAS, the City held a public hearing on March 19, 2002, to obtain the views of citizens on housing and community development needs and priorities and the City's proposed use of \$175,942 from the 2002 Urban Hennepin County Community Development Block Grant.

BE IT RESOLVED, that the City Council of the City of Edina approves the following projects for funding from the 2002 Urban Hennepin County Community Development Block Grant Program and authorizes submittal of the proposed Hennepin County.

<u>Activity</u>	<u>Budget</u>
Rehabilitation of Private Property	\$69,551
Scattered Site Affordable Housing	\$80,000
Greater Minneapolis Daycare Association	\$15,041
Senior Community Services (HOME)	\$ 9,350
Community Action for Suburban Hennepin (CASH)	\$ 1,000
HOME Line	\$ 1,000

BE IT FURTHER RESOLVED, that the City Council hereby authorizes and directs the Mayor and the City Manager to execute the Subrecipient Agreement and any required Third Party Agreement on behalf of the City to implement the 2002 Community Development Block Grant Program.

Adopted the 19th day of March, 2002. Member Masica seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Resolution adopted.

RESOLUTON NO. 2002-26 ADOPTED GRANTING CONDITIONAL USE PERMIT FOR
OPERATION OF SOUTHWEST METRO PUBLIC SAFETY TRAINING FACILITY - 7525
BRAEMAR BOULEVARD Affidavits of Notice were presented, approved and ordered placed on file.

Planner Presentation

Planner Larsen explained that the Southwest Metro Public Safety Training Facility was a joint project of the cities of Edina, Bloomington, and Eden Prairie, and the Metropolitan Airports Commission. The proposed 20,000 square foot facility would include classrooms, defensive and simulated training areas and a weapons firing range. In addition, a seven-story tower for

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fire simulations would be built on the site. Mr. Larsen reported that the Planning Commission recommended approval of the proposed conditional use permit.

Architect comment

Roger Erickson, Erickson Architects, stated that he had been working with the City for six years on this project. Mr. Erickson gave an overview description of the property as follows:

Location:

- 7525 Braemar Boulevard
- 3.5 acres located south of Braemar Ice Arena

Training Building Functions:

- Law Enforcement Officers training center
- Classroom training for Firefighters
- Office space with staff
- Available for public use
- All firearm training will occur inside building
- Soundproofed building constructed of pre-cast concrete wall panels and floor system
- Mechanical equipment located inside of building

Fire Training Areas:

- Area will train firefighters from Bloomington, Eden Prairie, Edina
- May be used by other Fire Departments from nearby communities
- Area will include a seven story training tower with two story spaces to simulate commercial building and residential structure
- Building will contain three gas fired burner units to simulate different types of fires
- Building constructed of precast concrete and fenced

Outdoor Training Areas:

- Grassy area at south end for training K-9's for Law Enforcement Officers

Council comment

Member Hovland inquired about retrieval of the lead on the site. Mr. Erickson stated the design proposes a bullet-trap be constructed of ground-up tires fronting on steel. The trap would be cleaned on a regular basis. Computers will direct air movement past the shooters alleviating concern with air-borne lead. Mr. Erickson noted a similar facility has been constructed in Maple Grove. Mr. Hovland asked for more information on perimeter fencing. Mr. Erickson said the fence would be eight feet in height with wire on top. Mr. Hovland inquired about nighttime lighting. Mr. Erickson said when the facility was in use it would be well lit. He stated that perimeter lighting has not yet been decided and added there will be no access to the fire tower from the outside.

Member Housh asked about maneuverability of fire trucks on the site. Engineer Houle said the roadway should accommodate the vehicles. Mr. Housh asked about hours of operation. Mr. Erickson stated the facility would be used all hours of the day as well as Saturdays. Mr. Housh asked if activities at the site would be distracting to the public. Mr. Houle replied the activities should not be detrimental to the neighbors.

Mr. Hughes commented the building was designed to be expanded if that became necessary. Mr. Erickson added the building today has been reduced in size from the original plan to meet the funds available. Portions not included at this time in the plan are 1) the small firearms range, 2) additional office space, 3) classrooms, and 4) a defensive tactics rooms.

Member Masica asked if the building was being built with expansion in mind. Mr. Erickson said the budget was limited and the firearms range, which was of the highest priority, could go in easily. Mr. Hughes indicated the Joint Powers Board was considering having plans prepared that could include the firearms range that could be bid as an alternate.

Member Hovland said during the oral presentation he heard that the site would accommodate 50 vehicles, while the written plan shows 72 spaces. Mr. Erickson said 50 spaces are on the street outside of the fenced area, but he could not identify the 72 spaces shown.

Mayor Maetzold inquired whether the site has any environmental issues that were of concern. Mr. Erickson said the air exhausted from the building will meet PCA standards and the building itself has nothing that would be of concern environmentally. Mr. Maetzold asked if weapons would be stored on site. Mr. Erickson said a few firearms would be stored on site but the trainees would bring the majority. He added that only an adequate supply of ammunition would be stored on site.

Member Hovland made a motion to close the public hearing. Member Housh seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

Member Hovland introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2002-26
A RESOLUTION GRANTING
A CONDITIONAL USE PERMIT FOR THE
CITY OF EDINA/SOUTH METRO PUBLIC
SAFETY TRAINING FACILITY ASSOCIATION AT
7525 BRAEMAR BOULEVARD**

WHEREAS, the procedural requirements of Code Section 850 (the Zoning Ordinance) have been met; and

WHEREAS, it has been determined that the Findings as required by Code Section 850.04 Subd.4E have been satisfied;

NOW, THEREFORE, BE IT RESOLVED that the Edina City Council hereby grants a Conditional Use Permit to the City of Edina, to allow the construction of the South Metro Public Safety Training Facility at 7525 Braemar Boulevard.

Passed and adopted this 19th day of March 2002.

Member Masica seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

ORDINANCE NO. 850-A22 ADOPTED APPROVING FINAL REZONING AND RESOLUTION 2002-33 AMENDING THE COMPREHENSIVE PLAN ADOPTED, STEVEN SCOTT DEVELOPMENT COMPANY & THE CRAIG COMPANY - 4015 W. 65 STREET Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Planner

Planner Larsen indicated that Steven Scott Development Company and The Craig Company plan to raze the existing building at 4015 West 65th Street and construct a 100-unit apartment complex above a two-story underground parking garage. The Council, at their December 18, 2001, regular meeting granted preliminary rezoning of the property and amended the City's comprehensive plan to allow for the construction of an apartment complex. The Council agreed to rezone the property from "Office" to "High Density", but the developers must obtain the proper permits from the Nine Mile Creek Watershed District, sign a developer's agreement covering responsibility for relocating utility lines on the property and vacate and rededicate utility easements.

Mr. Larsen stated that changes since the December 18, 2001, meeting were minimal, e.g. 1) number of parking spaces under the building has increased from 193 to 196, and 2) the surface guest parking area has been re-designed allowing for more green space and has reduced surface parking down from 34 to 31 spaces. Mr. Larsen noted the proposal exceeds the two parking spaces for dwelling unit requirement. The exterior of the building will be primarily constructed of brick with stucco and stone accents and a traditional shingle roof.

Mr. Larsen said the first floor elevation was approximately five feet higher than the first floor elevation of the existing building, was consistent with the plans granted preliminary approval, and does not require a variance. He reported the Planning Commission felt the look of the building would be improved by lowering the first floor, however, if the building were lowered, it would be below the 100-year floor elevation and would be contrary to watershed rules. Mr. Larsen explained the developer in order to keep the building as low as possible, agreed to attempt to lower the first floor elevation five feet, so were proposing to flood proof the lowest level, and to place all mechanical equipment above the flood elevation.

Council comment

Member Hovland inquired whether the height of the building was a legal issue or an aesthetic issue. Mr. Larson said the issue was aesthetic and the plan as presented complied with Edina Code and preliminary approval granted in December. Mr. Hovland said his concern was to keep the building dry.

Member Masica asked how many feet would the proposed building be lowered. Mr. Larsen said it would be lowered five feet. Ms. Masica asked what was being flood-proofed. Mr. Larsen answered the parking garage would be flood-proofed.

Dennis Sutcliffe, ESG Architects, commented he has been working on finding a solution to keep the building dry. Currently, the lowest level of the parking garage was within inches of being at the 100-year flood elevation but it was not in the flood plain. The watershed district would like the lowest level of all buildings to be two feet above the one-hundred year flood plain. He feels confident through engineering, that the building could be waterproofed. He added that with installation of drain tile systems working on gravity and drain-tile system connected to a sump-pump the lower level would remain dry. Ms. Masica asked what type of product would be placed on the outside of the building. Mr. Sutcliffe said it would be essentially a rubber sheet. Ms. Masica asked what the cost was for the waterproofing. Mr. Sutcliffe commented he did not know what the cost would be. Ms. Masica asked what measures would normally be taken in the general course of building. Mr. Sutcliffe said the quality of the water-proofing would be downgraded from a water-proofing to a damp-proofing in a normal situation. The sump-pump would also not be provided in a normal situation.

Member Housh said he felt assured the proponent would not want tenant's cars to be in a flood and therefore would do everything in their power to assure this would not happen. He asked if Mr. Sutcliffe had spoken with the watershed district. Mr. Sutcliffe said he had talked with the watershed engineer and attorneys and there were a number of variances that were allowable. He stated they were very confident there would be no flooding in the basement, noting the existing building has not had any flooding.

Mayor Maetzold asked clarification if the building, as designed, was at the 100-year level. Mr. Sutcliffe said the floor elevation was at the 100-year level. Mr. Maetzold asked if the Planning Commission recommended dropping below the 100-year level while the proponent would rather stay at the 100-year level. Mr. Sutcliffe answered that was correct. Member Hovland commented he understood the watershed district wanted the building two feet above the 100-year level. Mr. Sutcliffe responded that was according to the watershed district written policy. Mr. Hovland inquired whether the surrounding buildings were subject to the same watershed regulations. Mr. Houle said surrounding buildings have not suffered a negative impact.

Planner Larsen indicated the Planning Commission recommended final Rezoning Approval and an Amendment to the Comprehensive Plan designation from "office" to "high density residential" for the proposed plan conditioned upon: 1) water shed district permits, 2) request the Board of Nine Mile creek Watershed District to consider allowing the garage floor to be lowered as much as possible, 3) developer's agreement covering responsibility for relocating utility lines and 4) vacation of and rededication of utility easements.

Mayor Maetzold asked how this building would look upon completion. Planner Larsen said this was not a monstrous building and should fit well into the scale of the area.

Member Masica asked for background on why the Planning Commission thought lowering the building would be beneficial. Mr. Larsen said he could not be sure. Ms. Masica asked if

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any material was provided to the Commission showing the various elevations of the proposed structure. Mr. Larsen responded no, not specifically.

Developer's comments

Craig Alshouse, Craig Company, representing Rovick Realty, the owners and developers of the subject property, pointed out the existing building has three stories, but the floors are very high. The top floor of the building was forty feet plus approximately eight feet of mechanical equipment. The top floor of the four-story proposed building will be forty-one feet with a sloped roof or up to fifty-four feet at the uppermost point or six feet higher than the existing building.

Mr. Sutcliffe clarified when he said the proposed building was at or close to the existing flood elevation, the watershed district written policy recommends two feet, yet their regulation suggests the building should be one foot above that. Technically the building would be with the lowest point of the lowest floor drain in the garage, one foot below the regulated elevation.

Member Masica made a motion to close the public hearing. Member Housh seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

Member Housh said he believed the watershed district understood the issues and if there were any concern, permits would not be issued. He would accept the proposal in its current form and approve it moving forward.

Member Masica stated she saw nothing major that would negatively impact this project from going forward.

Member Hovland voiced his concurrence with the Planning Commission's recommendation except for condition No. 2. "Request the Board of Nine Mile Creek Watershed District to consider allowing the garage floor to be lowered as much as possible." He stated he disapproved of asking the watershed district to do something that had no legal basis. He suggested eliminating condition No. 2.

Mayor Maetzold stated his concurrence with Mr. Hovland. There has never been any discussion about the building height while granting preliminary rezoning and it seems inappropriate to consider approving the building at a lower level. Member Housh commented No. 2 was only a request by the Planning Commission who felt height was an issue.

Member Hovland commented if height were a legal issue, he would be concerned. He was concerned with exposing the watershed district to what resembled a request from the City to push the building further into the ground. He reiterated his belief that it was inappropriate to

lower the building because there was no legal reason to do so, and it just would potentially expose the developer and residents to more water problems.

Member Hovland made a motion to grant the following ordinance second reading approving final rezoning to the Steven Scott Development Company and The Craig Company conditioned upon, 1) watershed district permits, 2) developer's agreement covering responsibility for relocating utility lines; 3) vacation of and re-dedication of utility easements.

ORDINANCE NO. 850-A22

AN ORDINANCE AMENDING THE ZONING ORDINANCE (NO. 850)

BY REZONING PROPERTY TO

PLANNED RESIDENCE DISTRICT - PRD-4

THE CITY COUNCIL OF THE CITY OF EDINA, MINNESOTA, ORDAINS:

Section 1. Subsection 850.06 of Section 850 of the Edina City Code is amended by adding the following thereto:

The extent of the Planned Residential District - PRD-4 is enlarged by the addition of the following property:

Lots 1 and 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION.

The extent of the Planned Office District, POD-1 is reduced by removing the property described above.

Section 2. Effective Date: This Ordinance shall be in full force and effect upon adoption and publication according to the law.

Adopted this 19th day of March 2002. Member Masica seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

Member Hovland introduced the following resolution and moved its adoption:

RESOLUTION NO. 2002-33

AMENDING THE COMPREHENSIVE PLAN

FOR 4015 WEST 65TH STREET

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that the Comprehensive Plan of the City be amended by changing the designation from Planned Office District, POD-1, to Planned Residential District, PRD-4, for the property described as:

Lot 1 and 2, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION.

Adopted this 19th day of March 2002.

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

RESOLUTION 2002-27, FINAL DEVELOPMENT PLAN APPROVED EDWARD AND LISA NOONAN (5400 FRANCE AVENUE) Affidavits of Notice were presented, approved and ordered placed on file.

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Presentation by Planner

Planner Larsen explained the Council approved a rezoning of the property at 5400 France Avenue from PCD-4 (automobile service) to PCD-1 (general retail) on June 19, 2001. The building improvements and renovations anticipated by that approval were underway. The plans included an office-storage area of approximately 900 square feet with three garage stalls with additional storage. The proponent has presented a proposal for a 750 square foot addition to the south side of the building triggering the need for Final Development Plan approval. The plans indicate the area would be used for office purposes. Mr. Larsen concluded the proposed addition would result in a significant loss of green space and staff cannot support the request as submitted. The Planning Commission, at their March 7, 2001, meeting denied approval of the final development plan. Mr. Larsen said he would defer to the proponent for questions.

Mayor Maetzold asked staff to explain the hardship or improved development warranting granting a variance with the approval of the development. Mr. Larsen said that in his view there was not a hardship, however, a case could be made that the addition would improve the overall development and thus granting a variance could be warranted.

Member Housh pointed out the letter from Tim Murphy supporting the Noonan development. Since other businesses have been challenged at this location he expressed his surprise at the Planning Commission's recommendation to deny the request.

Member Hovland stated he was still wrestling with finding any hardship or improved development that would warrant granting a variance. Mr. Hughes explained that Edina's zoning ordinance treats the proposed development like a planned unit development thereby giving the City the ability to be flexible in achieving the best development.

Member Masica asked how many employees would be on-site.

Ed Noonan, proponent, showed a color rendering of the proposed development. Mr. Noonan explained that stated he usually would have three or four employees on site. His normal business hours are from about 5:30 a.m. until 4:30 p.m. Monday through Friday. Mr. Noonan stated he would expect customer visits three to four times daily. He stated that the reason for the addition to the development would allow him to use the addition as a showroom for building materials display.

Member Housh asked if adequate parking existed on-site. Mr. Larsen replied the parking met ordinance requirements.

Member Hovland stated he understood that Mr. Noonan might not use all the space himself. Mr. Noonan acknowledged that was correct, however, he stated that he intended at this time to use the additional space for a showroom.

Mr. Noonan said he believed that the additional space requested actually improves the view of his building to the apartment building to the south. He showed using the graphic, how the current view and the proposed view would look from the south.

Member Masica asked if there were something about the site that led to the request for the additional square footage requiring the variance. Mr. Noonan replied that he had to remove some asbestos in the demolition that drove his development cost higher. In addition, using the space as a showroom will allow his customers to discuss proposed plans and see construction accessories in one location.

Member Housh made a motion to close the public hearing. Member Housh seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

Member Housh introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2002-27
GRANTING FINAL DEVELOPMENT PLAN
APPROVAL FOR
EDWARD AND LISA NOONAN
5400 FRANCE AVENUE**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that the Final Development Plan dated February 2002, for Edward and Lisa Noonan, at 5400 France Avenue and presented at the Regular Meeting of the Edina City Council on March 19, 2002, be and is hereby approved.

Passed and adopted this 19th day of March 2002. Member Masica seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

RESOLUTION NO. 2002-28 FINAL DEVELOPMENT PLAN APPROVED PREMIER STORAGE, LLC (7225 BUSH LAKE ROAD) Affidavits of Notice were presented, approved and ordered placed on file.

Planner Larsen explained the subject property was located at 7225 Bush Lake Road and was Zoned PID, Planned Industrial District. The proponent, Todd Jones, Premier Storage LLC, has requested final development plan approval to allow construction of an additional building on the site. Currently, the property was improved with a single office-warehouse building they intend to convert to a climate controlled mini-warehouse. The proposal requires only normal building permits for a cold-storage building two stories in height and containing 38,400 square feet of floor area. A portion of the site would be fenced and used for storage of vehicles, including recreational vehicles.

Member Housh made a motion to close the public hearing. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold
Motion carried.

Member Housh introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2002-28
A RESOLUTION APPROVING
FINAL DEVELOPMENT PLAN FOR
PREMIER STORAGE, LLC
7225 BUSH LAKE ROAD**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that that certain plat entitled, "Premier Storage, LLC", platted by Todd Jones, and presented at the regular meeting of the City Council on March 19, 2002, be and is hereby granted final development approval.

Passed and adopted this 19th day of March, 2002.

Member Hovland seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold
Motion carried.

REQUEST FOR CONDITIONAL USE PERMIT WITHDRAWN BY APPLICANT CITY OF EDINA (4701 WEST 50TH STREET) REMODEL OF LIBRARY BUILDING INTO EDINA POLICE FACILITY Affidavits of Notice were presented, approved and ordered placed on file. Mr. Hughes stated that on behalf of the City of Edina he requested the conditional use permit application be withdrawn. No formal action required.

BID REJECTED FOR POLICE FACILITY REMODEL OF EDINA COMMUNITY LIBRARY Mr. Hughes explained on February 12, 2002, the City accepted bid proposals for the renovation of the Edina Community Library into the Edina Police Station. Seventeen bids were received with Met-Con Construction being the low base bid at \$3,299,000. This compared with a construction estimate of \$3,002,530, or 10% over the construction estimate. Proposals to replace the buildings soffitt/fascia to provide a more consistent look with the future City Hall were received as well. Mr. Anderson noted if the City accepted the base bid and the alternate bid for soffitt/fascia, the cost would be \$3,408,200.

Upon examination of the bids and seeking advice of the architect, staff recommended the Council reject the bids for renovation. Analysis of the bids concluded the construction cost of renovation equaled approximately 85% of construction cost of a new facility. Based on this, it would be prudent for the Council to direct staff and the architect to prepare conceptual plans for a combined City Hall/Police facility to be constructed on the current site. Estimates were anticipated to increase the project budget by 8% or \$1,000,000.

Mr. Hughes gave the following reasons for staff's recommendation:

1. Cost of renovation was significantly over the architects estimate and was approaching the cost of new construction.
2. Single building concept was more desirable than separate buildings for City Hall and Police Station from a management standpoint.

3. Single building concept provides a unified design not possible with a two-building concept, which includes renovating a 35-year-old building.
4. Single building concept would enjoy operating efficiencies compared to two buildings, such as a single HVAC system, and duplication of other support structures if two buildings were provided.

Mr. Hughes concluded that If the Council elected to proceed with a single building concept, work towards construction could commence at the end of the 2002 construction season.

Member Masica made a motion to reject all bids for the Police Facility Remodel of the Edina Community Library and to re-bid the project at a later date. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

APPOINTMENTS MADE TO EDINA COMMUNITY HEALTH COMMITTEE Mayor Maetzold indicated his intent to re-appoint Dr. James Reynolds and to appoint Richard Olson to the Edina Community Health Committee to terms until February 1, 2004.

Mayor Maetzold made a motion approving the re-appointment of Dr. James Reynolds and the appointment of Richard Olson to the Edina Community Health Committee for terms expiring February 1, 2004. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

RESOLUTION 2002-29 ADOPTED SETTING HEARING DATE OF APRIL 16, 2002 - FRASER PROJECT ISSUANCE OF REVENUE NOTES JOINTLY WITH THE CITY OF BLAINE Member Masica asked that Resolution No. 2002-29 be removed from the consent agenda for further information about what type of group homes would this approval allow. Attorney Jay Lindgren, Dorsey and Whitney law firm explained the residents of the group homes are mentally challenged.

Member Masica introduced the following resolution and moved its adoption:

RESOLUTION NO. 2002-29

RESOLUTION CALLING PUBLIC HEARING ON THE PROPOSED ISSUANCE OF A REVENUE NOTES BY THE CITY OF BLAINE, MINNESOTA UNDER MINNESOTA STATUTES, CHAPTER 462C, AS AMENDED, AND SECTIONS 469.152 - 469.165, AS AMENDED, TO FINANCE PROPERTY FOR THE BENEFIT OF FRASER

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that the Council shall conduct a public hearing on the proposed issuance by the City of Blaine, Minnesota of revenue notes to refinance and rehabilitate residential group home facilities for the benefit of Fraser, a Minnesota nonprofit corporation, pursuant to the Minnesota Statutes, Chapter 462C, as amended (the "Act"). The hearing will be held by the City Council at City Hall, 4801 W. 50th Street, Edina, Minnesota, at 7:00 p.m. on Tuesday, April 16,

2002. The portion of the Project proposed to be located in the City is described in the form of Notice of Public Hearing attached hereto as Exhibit A, which is hereby approved. The City Clerk is authorized and directed to cause the Notice of Public Hearing to be published once, at least 14 days prior to the date of the hearing.

Adopted: March 19, 2002

EXHIBIT A

**NOTICE OF PUBLIC HEARING ON THE ISSUANCE OF
REVENUE BONDS TO FINANCE AND REFINANCE
HOUSING AND HEALTH CARE FACILITIES AND A
PROPOSED HOUSING PROGRAM (FRASER PROJECT)**

CITY OF EDINA, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota (the "City"), will meet on Tuesday, April 16, 2002 at 7:00 p.m. at the City Hall, 4801 W. 50th Street, in Edina, Minnesota for the purpose of conducting a public hearing on a proposal that the City: (i) give host approval to the issuance of revenue bonds, notes, or other obligations (the "Bonds") by the City of Blaine, Minnesota (the "Issuer") pursuant to Minnesota Statutes, Chapter 462C, as amended, and Sections 469.152 - 469.165, as amended, a portion of which in the amount of \$480,000 will be applied to finance and refinance a project hereinafter described to be undertaken by Fraser, a Minnesota non-profit corporation (the "Borrower"); (ii) execute a Joint Powers Agreement with the Issuer; and (iii) adopt a housing program (the "Housing Program") with respect to the housing project hereinafter described (the "Project").

The Project to be located in the City and to be financed and refinanced with the proceeds of the Bonds proposed to be issued by the Issuer is comprised of residential group home facilities located at 5617 Hansen Road, 5004 Edinbrook Lane, and 6708 Sioux Trail in the City of Edina.

The Issuer will apply the proceeds of the Bonds to finance and refinance the Project and other housing developments (the "Developments") located in the Issuer and several other cities in the State of Minnesota. The maximum aggregate estimated principal amount of the Bonds to be issued by the Issuer to finance and refinance the Project and the other Developments is \$4,000,000. The Borrower will be the owner and operator of the Project and the other Developments. The Borrower will be the obligor under the Bonds. The Project and the other Developments will be managed by the Borrower.

The Bonds, as and when issued, will not constitute a charge, lien or encumbrance upon any property of the City, except the interest of the City in the Project and the revenues to be derived from the Project. The Bonds will not be a charge against the general credit or taxing powers of the City or the Issuer, but are payable from sums to be paid by the Borrower pursuant to a revenue agreement.

At the time and place fixed for the public hearing, the City Council of the City will give all persons who appear at the hearing an opportunity to express their views with respect to the financing of the Project pursuant to the Housing Program. Written comments will be considered if submitted at the above City office on or before the date of the hearing.

BY ORDER OF THE EDINA CITY COUNCIL

Dated: March 19, 2002

Member Hovland seconded the motion.

Ayes: Housh, Hovland, Masica Maetzold
Motion carried.

ON-SALE INTOXICATING AND SUNDAY SALE LICENSE APPROVED FOR TWO GUYS FROM ITALY Mr. Hughes explained that Two Guys From Italy has completed their application process for renewal of their On-Sale Intoxicating and Sunday On-Sale Liquor License. The Police Department has completed the background checks and recommends approval.

Member Housh made a motion approving the On-Sale Intoxicating and Sunday Sale license for Two Guys From Italy. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold
Motion carried.

SIX-MONTH DANCE PERMIT RENEWAL APPROVED FOR TWO GUYS FROM ITALY Chief Siitari said Two Guys From Italy received a dance permit last year valid for one year. The restaurant operates as the dance club, Club Ashe II on Thursday, Friday and Saturday nights. Two Guys From Italy has applied for a renewal of the permit.

Mr. Siitari reported that the Club has not generated a high number of calls for service, however, he recommended approving the permit for a shorter renewal period of six months. Approval of the six-month permit would be conditioned upon the Police Chief ability to require licensed police officers to provide security.

Member Masica made a motion approving the six-month renewal of the dance permit for Two Guys From Italy conditioned upon the Police Chief may require licensed police officer to provide security. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold
Motion carried.

***HEARING DATE SET OF APRIL 2, 2002, FOR ON-SALE INTOXICATING LIQUOR LICENSE FOR THE CHEESECAKE FACTORY** Motion made by Member Hovland and seconded by Member Housh setting April 2, 2002, as hearing date for On-Sale Intoxicating Liquor License for the Cheesecake Factory.

Motion carried on rollcall vote – four ayes.

***2002 LABOR AGREEMENT APPROVED FOR LOCAL 49ER'S (PUBLIC WORKS)** Motion made by Member Hovland and seconded by Member Housh approving the 2002 Labor Agreement for Local 49er's (Public Works) between the City and Local 49.

Motion carried on rollcall vote – four ayes.

CHANGE ORDER #1 APPROVED FOR SOIL CORRECTION WORK FOR THE PUBLIC WORKS TRAINING CENTER Member Housh asked the Change Order No.1 be removed from the consent agenda for further information regarding budget implications. Mr. Houle explained that any costs from soil correction would be split between the members building the training center and not born solely by the City of Edina.

Member Housh made a motion approving Change Order #1 for Soil Correction Work for the Public Works Training Center, to Arnt Construction Company at \$32,883.00. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

***CONFIRMATION OF CLAIMS PAID Member Hovland made a motion and Member Housh seconded the motion approving payment of the following claims as shown in detail on the Check Register dated March 7, 2002, and consisting of 31 pages: General Fund \$149,556.31; CDBG Fund \$830.05; Working Capital Fund \$22,829.22; Construction Fund \$20,813.79; Art Center Fund \$813.97; Golf Dome Fund \$6,180.15; Aquatic Center Fund \$46.88; Golf Course Fund \$151,247.14; Ice Arena Fund \$14,906.80; Edinborough/Centennial Lakes Fund \$28,099.01; Liquor Fund \$120,922.55; Utility Fund \$11,382.60; Payroll Fund \$435,000.00; TOTAL \$962,628.47; and for approval of payment of claims dated March 14, 2002, and consisting of 29 pages: General Fund \$455,442.98; Communications Fund \$889.94; Working Capital Fund \$7,770.32; Construction Fund \$403.01; Art Center Fund \$3,746.16; Golf Dome Fund \$9,442.78; Aquatic Center Fund \$40.00; Golf Course Fund \$12,272.03; Ice Arena Fund \$16,123.46; Edinborough/Centennial Lakes Fund \$10,151.32; Liquor Fund \$115,225.01; Utility Fund \$249,047.79; Storm Sewer Fund \$19,446.93; Recycling Fund \$30,418.60; TOTAL \$930,420.33.**

Motion carried on rollcall vote - four ayes.

There being no further business on the Council Agenda, Mayor Maetzold declared the meeting adjourned at 10:20 P.M.

City Clerk